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Arizona Corporation Commission

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AZ CORP COMMISSION  
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DOCKETED BY

*CM*

Attorneys for The Wilhoit Water Company, Inc.

ARIZONA CORPORATION COMMISSION

THE WILHOIT WATER COMPANY, INC., an  
Arizona Corporation,

In the matter of the sale of company assets to the  
CITY OF AVONDALE, STATE OF ARIZONA

DOCKET # W-02065A-03-0490

MOTION TO CONTINUE

The applicant, by and through its attorneys, Martin & Bell, L.L.C., requests the Commission's continuance of this matter for a reasonable period of time.

These proceedings have been carried by the purchaser and present operator of the system, the City of Avondale. It is the City of Avondale that has briefed this issue and the City of Avondale provided testimony through two of its employees before the Hearing Officer.

The City reports that it is unable to schedule the City employees to respond to Commission questions on the short notice provided here.

As a second and further reason, it appears the only remaining issue is one of past taxation of water equipment that is centrally assessed. The City of Avondale has urged that the abatement statute, A.R.S. §42-18208, applies here. They have urged that directly with the County Treasurer in a series of meetings that have not yet reached a conclusion because of County employee's out-of-state conferences. A conclusion of those meetings may well resolve this issue in a satisfactory manner.

Third and last, the public interest is served by the short continuance because water service is being provided now by the City of Avondale at a level as high as, if not higher, than the prior service.

For all of these reasons, the applicant requests that the Commission continue this matter for a short period satisfactory to its next monthly calendar.

1 RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of February, 2004.

2 MARTIN & BELL, L.L.C.

3  
4 By 

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8 Attorneys for Wilhoit Water Company, Inc.

9 ORIGINAL filed and a copy  
10 mailed/delivered this 4<sup>th</sup>  
11 day of February, 2004 to:

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